

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICAH SOMES, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

No. CV-13-0156-RHW

**ORDER GRANTING STIPULATED
MOTION OF THE PARTIES**

Before the Court is the Stipulated Motion of the Parties, ECF No. 10. This motion was heard without oral argument. The parties move the Court to dismiss, without prejudice, Defendants Confederated Tribes of the Colville Reservation, Officer Jodie A. Barcus, the Bureau of Indian Affairs, and the United States Department of the Interior.

In addition, Plaintiffs agree to dismiss, without prejudice, all Constitutional and Federal Civil Rights claims asserted against the United States. The parties have agreed that Plaintiffs will assert only federal tort claims under the Federal Tort Claims Act ("FTCA").

Having reviewed the motion and supporting documentation, the Court finds good cause exists to **grant** the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Stipulated Motion of the Parties, ECF No. 10, is **GRANTED**.

2. Plaintiffs' claims against the Confederated Tribes of the Colville Reservation, Officer Jodie A. Barcus, United States Bureau of Indian Affairs, and

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1 the United States Department of the Interior are hereby **DISMISSED** without
2 prejudice and without costs.

3 3. Plaintiffs' claims asserted under the United States Constitution and
4 claims asserted under the Federal Civil Rights Act, 42 U.S.C. § 1983, *et seq.*, are
5 **DISMISSED** without prejudice and without costs.

6 4. Plaintiffs may file an Amended Complaint, without leave of the Court, to
7 further clarify and set forth facts and the remaining claims against the United
8 States under the Federal Tort Claims Act.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
10 Order and forward copies to counsel.

11 **DATED** this 15th day of August, 2013.

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13 *s/Robert H. Whaley*
14 ROBERT H. WHALEY
15 Senior United States District Judge
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